



## City of Sebastopol Staff Report

Meeting Date: April 26, 2022  
Agenda Item: 8A  
To: Planning Commission  
From: Kari Svanstrom, Planning Director  
Subject: Planning Commission Rules Update  
Recommendation: Receive report and provide input to staff

### **Background:**

The Planning Commission procedures is covered by a Resolution last adopted in 2012. From time to time, the Commission may wish to revisit and modify these regulations to adapt to the current function of the Commission.

Given the pending changes to the Planning Commission Ordinance, changes to meeting format, and length of time since last review, Chair Fritz requested this item be reviewed and updated.

Staff is attaching the current Resolution and invites discussion of any updates.

Staff recommends this be updated to reflect:

- New Planning Commission size/structure, once the Planning Commission Ordinance is adopted by the City Council and in effect (anticipated for adoption May and in effect beginning in July 2022)
- Update terminology to reflect current titles, etc.
- Provide for Flexibility in the order of items (the Planning Director to determine, with input from the Chair)
- Include terminology as appropriate to reflect hybrid or other means of holding meetings once determined (post-Council discussion, currently scheduled May 3)

### **Public Comment:**

No public comments have been received as of the writing of this staff report.

### **Recommendation:**

Receive report and provide input to staff.

### **Attachments:**

Resolution

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEBASTOPOL  
ADOPTING RULES OF ORDER AND PROCEDURE FOR THE CONDUCT OF PLANNING  
COMMISSION MEETINGS

THE PLANNING COMMISSION OF THE CITY OF SEBASTOPOL DOES RESOLVE AS FOLLOWS:

SECTION 1. The rules of conduct of the Planning Commission of the City of Sebastopol meetings shall read as follows:

RULE 1. TIME AND PLACE FOR HOLDING REGULAR MEETINGS.

Regular meetings of the Planning Commission shall be held on the second and fourth Tuesdays of each month, beginning at 7:00 p.m. The meeting time may be revised by the Director of Planning to accommodate necessary business. However, if any such Tuesday falls on any day designated by law or by the City Council as a day for public holiday, such regular meeting shall be held on the date of the regular meeting following said Tuesday at the hour heretofore fixed.

Meetings shall be held in a location designated by the Director of Planning. Regular meetings may be canceled upon the determination by the Director of Planning that a quorum will not be present, or that there is not sufficient business to conduct a meeting. All meetings of the Planning Commission shall be open to the public, unless a majority of the Commission present requests otherwise and the City Attorney expressly approves the legality of a non-public meeting. Meetings shall adjourn by or before 11:00 p.m., but may extend past that time by majority vote of Commissioners present.

RULE 2. QUORUM AND ATTENDANCE.

Four members of the city Planning Commission shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time until a quorum is present and those present may obtain the attendance of the absentees. Action granting approval of any substantive matter must be taken by a simple majority of members present voting in favor, at such times as a quorum is present. A failure to so approve results in automatic denial of the pending matter.

The absence, temporary or permanent, of any Commissioner previously recorded as present, shall be noted in the minutes for purposes of determining the presence of a quorum at all times. The unexcused absence of any Commissioner for three or more consecutive meetings shall be considered as constituting a vacancy and shall be reported to the City Council pursuant to Municipal Code Chapter 2.24.

RULE 3. AGENDA AND ORDER OF BUSINESS.

(a) The Director of Planning shall prepare an agenda for each meeting, in conformance with these Rules of Order, which shall be issued to Commissioners and shall be made available to the public no later than 72 hours preceding such meetings.

(b) In preparing the agenda, the Director may consult in advance with the Chairperson regarding the scheduling of various items, both as to the meeting at which items are to be scheduled and the specific scheduling within the meeting agenda.

(c) At least 72 hours before a regular Planning Commission meeting, the Agenda shall be posted in the City Clerk's office. In connection with any special meeting of the Planning Commission, the notice calling the meeting and Agenda shall be posted 24 hours prior to the special meeting.

(d) No action shall be taken on any item not appearing on the posted Agenda unless the item is added to the Agenda as follows:

(1) Upon a determination by a majority vote of the Planning Commissioners present that an emergency situation exists, as defined in Government Code Section 54956.5.

(2) Upon a determination by a two-thirds vote of the Planning Commission, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that the need to take action arose subsequently to the Agenda being posted.

(3) The item was posted for a prior meeting of the Planning Commission, and at the prior meeting the item was continued to the meeting at which action is being taken.

(e) Dates for public hearings shall be set by the Director of Planning.

(f) Where a matter requires a formal public hearing prior to final action by the Planning Commission, no person shall be heard thereon except at the time of the public hearing.

(g) The business of the Planning Commission shall be taken on for consideration and disposition generally in the following order. In setting the agenda, the Director of Planning may alter this order for purposes of meeting management. The Commission may alter this order of business by direction of the Chair, or by vote of a majority of those present.

(1) Call to order

(2) Roll call.

(3) Director of Planning's Report.

(4) Approval of Minutes.

(5) Public input from members of the public wishing to address the Planning Commission on items of interest to the public that are within the subject matter jurisdiction of the Planning Commission but are not on the agenda of the subject meeting. Subject to the direction of the Chairperson, each speaker may address the Planning Commission for up to three minutes. If there are more than 10 speakers, the Chairperson may further limit the time of individual speakers or the total time on a particular issue. No action may be taken on the item of interest to the member of the public unless the item appeared on the Agenda in accordance with applicable provisions of Rule 3.

(6) Consent Calendar, generally consisting of those items determined in advance by the Director of Planning to be of a non-controversial nature. Any item requested by any Commissioner or any member of the public in attendance shall be removed from the consent list and placed on the regular agenda. The consent list may be adopted by unanimous voice vote, under a single motion.

(7) Items given partial consideration at a previous meeting, and continued, tabled, or otherwise held over for additional review.

(8) Agendized items of previous meetings, not considered thereat.

(9) New items involving public applications and Commission action.

(10) Items involving procedural or administrative matters, staff reports not connected with a specific public application to be heard during that meeting, and Commission discussion items.

(11) Planning Commissioner Announcements

(12) Future Commission Agenda Items

(13) Written communications

(14) Adjournment

(i) Special meetings and study sessions, absent emergency situations, will normally be scheduled by the Commission upon seven days advance notice. The substantive issues considered at any such meeting shall be limited to those announced in the call for such meeting.

U) During any regular meeting, members of the public may be heard on any matter listed on the agenda at such time as the Chairperson determines appropriate, except in the case where the public has already been heard on the item and the public hearing has been closed.

#### RULE 4. ELECTION OF OFFICERS.

(a) At its first regular meeting in April of each year, or at the next regular meeting where sufficient members are present, the Commission shall elect by affirmative vote Chairperson and Vice Chairperson, who shall take office immediately upon election.

(b) The Chairperson and Vice Chairperson shall serve until their successors are elected, or until removed by action of five or more Commissioners.

(c) In the event of a vacancy in the position of Chairperson or Vice Chairperson, the vacancy shall be announced and confirmed at a regular meeting of the Commission, and the Commission shall generally fill such vacancy by election at the next following regular meeting at which a quorum is present.

#### RULE 5. APPEALS.

If the appellant in any appeal or request for review to the Planning Commission is a Commissioner, that person may not serve as Chairperson during the hearing and consideration of the appeal.

#### RULE 6. PREPARATION OF MINUTES.

The Director of Planning shall have responsibility for preparation of the Minutes, and any directions for changes in the Minutes shall be made only by a vote of the majority of those present.

#### RULE 7. CHAIRPERSON.

The Chairperson shall preside at all meetings of the Planning Commission. In the absence of the Chairperson, the Vice Chairperson shall preside. In the absence of both the Chairperson and Vice Chairperson, the Director of Planning shall call the Planning Commission to order whereupon a temporary Chairperson shall be elected by the Commissioners present to serve until the arrival of the Chairperson or Vice Chairperson or until adjournment.

#### RULE 8. POWERS AND DUTIES OF CHAIRPERSON.

(a) Participation. The Chairperson or Vice Chairperson or such other member presiding may move, second, and debate from the chair, subject only to such limitations of debate as are imposed upon Commissioners by these rules and shall not be deprived of any of the rights or privileges of a Commissioner by reason of his or her acting as the Chairperson.

(b) Duties. The Chairperson shall preserve order at all meetings of the Planning Commission. Such officer shall state each question coming before the Planning Commission, announce the decisions of the Planning Commission on all subjects, and decide all questions of order; subject, however, to an appeal by the Planning Commission, and a majority vote of the Planning Commission on any question of order shall govern and determine conclusively such question of order. In addition, the Chairperson may appoint such subcommittees as are deemed desirable, consisting of not more than three Commissioners, to review defined subject areas and to make reports and/or recommendations to the full Commission.

(c) Signing of Documents. The Director of Planning shall sign all resolutions and other documents necessitating signature.

#### RULE 9. RULES OF DEBATE.

(a) Getting the Floor. Every Commissioner desiring to speak shall first address the Chair, gain recognition by the Chairperson, and shall confine himself or herself to the question under debate.

(b) Questions to Staff. Every Commissioner desiring to question the City Staff shall, after recognition by the Chairperson, address his or her questions to the Director of Planning, or any staff person designated to be present for such purposes, who shall be entitled to answer the inquiry himself or herself or to designate a member of his or her staff for that purpose.

(c) Interruptions. A Commissioner, once recognized, shall not be interrupted when speaking unless called to order by the Chairperson, or unless a point of order or a personal privilege is raised by another Commissioner, or unless the speaker chooses to yield to a question by another Commissioner. If a Commissioner, while speaking, is called to order, he or she shall cease speaking until the question of order is determined and, if determined to be in order, may proceed. Members of the City staff, after recognition by the Chairperson, shall hold the floor until completion of their remarks or until recognition is withdrawn by the Chairperson.

(d) Points of Order. The Chairperson shall determine all points of order subject to the right of any Commissioner to appeal to the Planning Commission. If an appeal is taken, the question shall be: "Shall the decision of the Chairperson be sustained?" A majority vote of the Commissioners then present shall conclusively determine such question of order.

(e) Point of Personal Privilege. The right of a Commissioner to address the Planning Commission on a question of personal privilege shall be limited to cases in which the Planning Commissioner's integrity, character, or motives are questioned or where the welfare of the Planning Commission is concerned. A Commissioner raising a point of personal privilege may interrupt another Commissioner

(f) Privilege of Closing Debate. The Chair shall have the privilege of closing debate, after all other Commissioners have been given an opportunity to speak.

(g) Calling for the Question. Any member may call for the question, however a majority of the Commission may vote to continue debate.

(h) Limitation of Debate. Generally, no Commissioner shall be allowed to speak more than once upon any particular subject until every other Commissioner desiring to do so shall have spoken. Each Commissioner speaking on any one item on the Agenda shall generally be limited to 10 minutes per item to state his or her opinion and views.

#### RULE 10. REMARKS OF COMMISSIONERS AND SYNOPSIS OF DEBATE.

A Commissioner may request through the Chairperson under the privilege of having an abstract of his or her statement on any subject under consideration by the Planning Commission entered in the Minutes. If the Planning Commission consents thereto, such statement shall be entered in the Minutes.

#### RULE 11. PROTEST AGAINST PLANNING COMMISSION ACTION.

Any Commissioner shall have the right to have the reasons for his or her dissent from, or his or her protest against, any action of the Planning Commission entered in the Minutes. Such dissent or protest to be entered in the Minutes shall be made in the following manner: "I would like the Minutes to show that I am opposed to this action for the following reasons,..."

#### RULE 12. RULES OF ORDER.

Except as otherwise provided herein, by City Ordinance, by other rules adopted by the Planning Commission, or by applicable provisions of state law, the procedures of the Planning Commission shall be governed by the latest revised edition of Roberts Rules of Order. The Planning Commission rules, or any one thereof, may be suspended by a vote of two-thirds (2/3) of the Commissioners present.

#### RULE 13. FAILURE TO OBSERVE RULES OF ORDER.

Rules adopted to expedite the transaction of the business of the Planning Commission in an orderly fashion are deemed to be procedural only, and the failure to strictly observe such rules shall not affect the jurisdiction of the Planning Commission or invalidate any action taken at a meeting that is otherwise held in conformity with law.

#### RULE 14. ADDRESSING THE PLANNING COMMISSION.

(a) Submittal of Materials to the Planning Commission. Persons wishing to submit written materials to the Commission at the meeting shall provide such materials to the Director of Planning at the beginning of the consideration of the agenda item.

(b) Manner of Addressing the Planning Commission. Each person desiring to address the Planning Commission shall step up to the microphone, state his or her name and address for the record, state the

subject he or she wishes to discuss, state whom he or she is representing if he or she represents an organization or other person, and, unless further time is granted by majority vote of the Planning Commission, shall generally limit his or her remarks to up to three minutes per item. A project applicant shall generally be allowed up to ten minutes initially and up to three minutes in rebuttal to conclude the public hearing. The applicant's rebuttal must be in response to and within the scope of the testimony presented at the hearing by members of the public, if any. For purposes of this rule, the project applicant shall include the applicant's architect, attorney, facilitator, and all other representatives of the applicant who have been or will be performing work on the proposed project. An appellant, other than the project applicant, shall also generally be allowed up to ten minutes initially and up to three minutes in rebuttal. The appellant's rebuttal must be in response to and within the scope of the testimony presented at the hearing by the project applicant and proponents of the project. The order of presentation shall be as follows: the appellant shall testify initially followed by the project applicant. The project applicant's rebuttal shall precede the appellant's rebuttal. All remarks shall be addressed to the Planning Commission as a whole and not to any member thereof. No questions shall be asked of a Commissioner or a member of the City staff without the permission of the Chairperson.

(c) After Motion. After a motion has been made or a public hearing has been closed, no member of the public shall address the Planning Commission from the audience on the matter under consideration without first securing permission to do so by the Chairperson.

(d) Special Time Limitations. Notwithstanding any other provision of these Rules, if seven or more persons wish to speak on an item, or if 20 or more persons have requested to speak on any combination of items, each speaker's remarks may be limited to two minutes at the discretion of the Chairperson.

#### RULE 15. RULES OF DECORUM.

(a) Commissioners. When the Planning Commission is in session, Commissioners must preserve order and decorum, and a Commissioner shall neither by conversation nor otherwise delay or interrupt the proceedings or the peace of the Planning Commission nor disturb any Commissioner while speaking or refuse to obey the orders of the Chairperson. Commissioners shall not leave their seats for more than five minutes during a meeting without first obtaining the permission of the Chairperson.

(b) Employees. Members of the City staff and employees shall observe the same rules of order and decorum as are applicable to the Planning Commission.

(c) Persons Addressing the Planning Commission.

(1) No person other than a Commissioner and the person having the floor shall be permitted to enter into discussions, either directly or through a Commissioner, without permission of the Chairperson.

(2) No questions shall be asked a Commissioner except through the Chairperson.

(3) All remarks shall be addressed to the Planning Commission as a body and not to any one member thereof.

(4) Any person making impertinent, slanderous, or profane remarks, or who becomes boisterous while addressing the Planning Commission, shall be called to order by the Chairperson and, if such conduct continues, may at the discretion of the Chairperson, be barred from a further audience before the Planning Commission during that meeting.

(d) Members of the Audience.

(1) Any person in the audience or at the Planning Commission table who engages in disorderly conduct such as excessive hand clapping, stamping of feet<sup>1</sup> whistling, using profane language, yelling, and similar demonstrations, or who disturbs the peace and good order of the meeting, or who refuses to comply with the lawful orders of the Chairperson shall be guilty of an infraction and upon instructions from the Chairperson, with the consent of the majority, through the Director of Planning, it shall be the duty of the Sergeant at Arms to remove any such person from the Meeting room and to place him or her under arrest.

(2) No person shall be permitted to interrupt the individual Commissioners or the Director of Planning when the Planning Commission is in session.

(e) Persons Authorized to be Within Seating Area. No person except Commissioners and City staff and recognized representatives of the news media shall be permitted within the seating area of the Commission without the consent of the Chairperson.

(f) Enforcement of Decorum. The Chief of Police or such member or members of the Police Department as he or she may designate, shall be Sergeant at Arms of the Planning Commission and shall carry out all orders given by the Chairperson through the Director of Planning for the purpose of maintaining order and decorum at Planning Commission meetings. Any Commissioner may move to require the Chairperson to enforce the rules and the affirmative vote of a majority of the Planning Commission shall require him or her to do so.

**RULE 16. VOTING PROCEDURE.**

Any vote of the Planning Commission, including a roll call vote, may be registered by the members by answering "Aye" for an affirmative vote or "No" for a negative vote upon his or her name being called by the Director of Planning. Unless a member of the Planning Commission states that he or she is not voting, silence shall be recorded as an abstention, and roll call votes shall be recorded in the minutes.

**RULE 17. DISQUALIFICATION FOR CONFLICT OF INTEREST.**

Any Commissioner who is disqualified from voting on a particular matter by reason of a conflict of interest shall publicly state or have the Chairperson state the nature of such disqualification in an open meeting. Where no thoroughly disqualifying conflict of interest appears, the matter of disqualification may, at the request of the Commissioner affected, be decided by the other Commissioners. A Commissioner who is disqualified by reason of a conflict of interest in any matter shall not remain in his or her seat during the debate and vote on such matter, but shall request and be given the permission of the Chairperson to step down from the dais and leave the meeting room. A Commissioner stating such disqualification shall not be counted as part of a quorum and shall be considered absent for the purpose of determining the outcome of any vote on such matter

**RULE 18. FAILURE TO VOTE.**

Every Commissioner is entitled to vote unless disqualified by reason of a conflict of interest. A Commissioner who abstains from voting in effect consents that a majority of the quorum may decide the question voted upon.



#### RULE 19. TIE VOTE.

Tie votes shall be lost motions and may be reconsidered.

#### RULE 20. CHANGING VOTE.

The vote of a Commissioner may be changed only if he or she makes a timely request to do so immediately following the announcement of the vote by the Director of Planning and prior to the time that the next item in the order of business is taken up.

#### RULE 21. RECONSIDERATION.

(a) A motion to reconsider any action of the Commission may be made only prior to adjournment of that meeting, or prior to final action on the matter, whichever is later.

(b) A motion to reconsider may be made by any Commissioner who voted on the prevailing side of the action to be reconsidered, and may be seconded by any Commissioner. If an action was decided as a matter of law, without a majority of those present affirmative or negative, any Commissioner may make such a motion.

(c) A motion to reconsider is considered substantive, and hence requires a majority of those present to carry.

#### RULE 22. PROCEDURE ON AGENDA ITEMS REQUIRING A MOTION.

The following procedure shall generally be followed in connection with any Agenda item requiring a motion:

- (a) Chairperson reads the title.
- (b) Commissioner statements of any conflict of interest.
- (c) Explanation of item by Director of Planning, if called for by the Chairperson.
- (d) Questions to Director of Planning by Commissioners.
- (e) Statement by Applicant, if any.
- (f) Questions of Applicant by Commissioners.
- (g) Public to be heard subject to the limitations set forth herein.
- (h) Close of public discussion.
- (i) Chairperson to ask for a motion and second.
- (j) Motion and discussion by the Planning Commission.
- (k) The maker of the motion to have a chance for further discussion.
- (l) Chairperson to restate the motion.
- (m) Vote on the motion.

#### RULE 23. STUDY SESSIONS AND INFORMAL MEETINGS.

The Planning Commission, subject to notice and other requirements imposed by law, may hold study sessions and informal meetings in the Meeting room, or in any appropriate public gathering place, at such times as may be designated in an order for a special meeting. At any such study session or informal meeting, the Planning Commission shall not take any formal or binding action upon any formal motion, resolution, ordinance, nor any other action required by law to be taken by the Planning Commission. Such study sessions or informal sessions shall be devoted exclusively to the presentation and exchange of information.

#### RULE 24. COMMUNICATIONS BY BOARDS AND COMMISSIONS.

The Planning Commission may adopt an official resolution or other written statement regarding a planning or land use matter pertaining to the scope of the Commission's authority, but shall not transmit such official resolution or any other correspondence on any matter of City policy to any non-City Agency, Board, or Commission without a vote of the Planning Commission to do so, nor without the prior approval of the City Council that such communication be so transmitted.

#### RULE 25. PRESENCE OF CITY STAFF AT PLANNING COMMISSION MEETINGS.

The Director of Planning, and in his or her absence, their authorized representative, shall attend and be present during all Planning Commission meetings and give necessary service and advice.

#### RULE 26. RECORD OF MEETINGS.

All public meetings of the Planning Commission shall be recorded in the form of minutes prepared by Planning Department staff. Such minutes shall be part of the records of the Planning Commission. The use of tape recording or video equipment by members of the public is permitted so long as it is not disruptive of the meeting.

#### RULE 27. EX PARTE COMMUNICATIONS

(a) During the pendency of any quasi-judicial proceeding, no member of the Planning Commission may engage in ex parte communications with applicants, appellants or members of the public with respect to the matter which is the subject of the proceeding unless that member of the Commission:

(1) Places on the record the subject and substance of any written or oral ex-parte communication concerning the matter and the identity of the person, group, or entity with whom the communication took place.

(2) Makes any written communication part of the record.

(b) A member of the Planning Commission may conduct site visits pertaining to the matter which is the subject of the proceeding if the site visit and the date of the site visit are placed on the record. Any communications during the site visit with applicants, appellants, or members of the public with respect to the matter shall be disclosed in accordance with Section (a) of this Rule.

(c) Disclosures required by Section (a) and (b) of this Rule shall be made before public testimony on the matter has commenced so that persons will be given a reasonable opportunity to respond to the ex parte communication or site visit.

(d) Once the public hearing has commenced, no member of the Planning Commission shall

engage in any ex parte communication with applicants, appellants, or members of the public with respect to the matter which is the subject of the proceeding. However, a member of the Planning Commission can seek specific information or data from any individual relative to the matter if such request and the response to the request are made on the record.

(e) Written communications on a matter before the Commission, including e-mails, should be sent to the Planning Department staff, not to individual Commissioners. Commissioner receipt of such communications shall not constitute a violation of these Rules, provided the procedures set forth in this Rule are observed. Prior to the date of the hearing, the staff shall forward all written communications received no later than the transmission of the meeting packet to the Commission. Late written communications may be provided to the Commission at the hearing, but may not be reviewed by the Commission. All written communications will be made part of the public record.

#### RULE 28. INTERPRETATION AND MODIFICATION OF THESE RULES.

These rules shall be interpreted liberally in order to provide for the optimum in the free interchange of information and public debate without an unnecessary waste of time or duplication of effort. These rules may be amended by resolution upon the approval of a majority of those present.

SECTION 2. Any resolution adopting, amending, or relating to Planning Commission Rules of Order, is hereby repealed in its entirety.

SECTION 3. The Director of Planning shall certify to the adoption of this Resolution, and thenceforth and thereafter the same shall be in full force and effect.

Approved this 9th day of October, 2012 by the following vote:

Aye: M. Jacob, R. Jacob, Narjarian, Williams van Aggelen, Kelley, Doyle, Fernandez

No:

Abstain:

Absent: Najari